

### **REMARKS**

At the issuance of the outstanding Office Action, Claims 1-9 and 12-20 were pending in the application and stand rejected for the grounds and reasons set forth in the detailed action. Claims 21-30 have been added. Applicant requests a favorable consideration of these added claims, which find support in the specification as filed. Improved acid resistance of the claimed catalyst supports is discussed at page 14, line 10 – page 15, line 6. Support for the 95 wt% limitation in claim 24 may be found in Example 2 of Table 1 at page 12. Entry of these new claims is, therefore, respectfully requested.

Claims 1-5, 8-9, 12, 14-17 and 19-20 stand rejected on the ground of non-statutory obviousness-type double patenting over claims 4, 8 and 12 of U.S. Patent No. 6,872,685 and claims 1-9 and 12-20 stand rejected on the same grounds as being unpatentable over claims 1-4 of U.S. Patent No. 6,995,112. Applicant disagrees with the grounds of rejection but is submitting a Terminal Disclaimer for each of the cited patents herewith to overcome the rejection.

Claims 1-9 and 12-20 stand rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,995,112 (Timken '112). Applicant respectfully traverses this rejection. In accordance with MPEP 715.01(a) when subject matter, disclosed but not claimed in a patent or application publication filed jointly by S and another, is claimed in a later application filed by S, the joint patent or application publication is a valid reference under 35 USC § 102(e). The subject matter from Timken '112 cited in the outstanding Office Action is all subject matter which has been claimed in that patent. The outstanding Office Action does not point to any unclaimed subject matter which would constitute an anticipation of the present claims. Therefore, Applicant would be unable to file a declaration that she conceived or invented the subject matter disclosed in the

patent and relied on in the rejection. Therefore, Applicant respectfully submits that this ground for rejection has been traversed.

Claims 1-5, 8-9, 12 and 14-16 stand rejected under 35 USC § 102(b) as being anticipated by Pecoraro (U.S. Patent No. 4,988,659). The outstanding Office Action asserts that Pecoraro discloses an amorphous silica-alumina cogel catalyst composition and that it is inherent that the disclosed catalyst material of Pecoraro would possess the same catalytic properties in view of the same catalyst components being disclosed and being claimed. Applicant disagrees.

U.S. Patent No. 4,988,659 to Pecoraro neither discloses nor suggests the present invention. Granted, Pecoraro discloses an amorphous silica-alumina cogel catalyst composition. However, the compositions disclosed by Pecoraro do not anticipate the currently claimed materials. The outstanding Office Action asserts that it is inherent that the disclosed catalyst material would possess the same catalytic properties in view of the same catalyst components disclosed and being claimed. Applicant respectfully disagrees. Although the catalyst materials of the invention and the reference would be silica-alumina and have similar catalytic functions, they would not be the same materials or have identical properties.

Applicant submits that the process for preparing a silica-alumina cogel disclosed in the reference will not produce a composition in which the two oxide components are homogeneously distributed throughout. In this regard, Applicant submits for the Examiner's consideration a Declaration under 37 CFR § 1.132 which demonstrates the criticality of vigorous mixing and uniform pH. As noted in the present specification at page 7, line 32 to page 8, line 2 it is critical to have complete vigorous mixing of the Si-Al solution with the basic participant and to maintain uniform pH throughout the mixture during the participant addition step

in order to minimize the formation of isolated silica domains and alumina domains. In the Declaration, Applicant provides evidence and expert opinion that the process disclosed by Pecoraro would not produce the presently claimed compositions.

Regarding the claim rejections under 35 USC § 103, Applicant reasserts the above arguments. In light of the deficiencies pointed out with respect to the disclosure of Pecoraro, the combination with Jaffy (U.S. Patent No. 4,289,653) does not suggest the present invention.

Further regarding the newly submitted claims, Applicant points out that the prior art of record neither discloses nor suggests that distributing a modifying-metal-oxide homogeneously throughout a base-metal oxide will make a resulting catalyst support more resistant to acid than the base metal-oxide.

In light of the foregoing, Applicant respectfully requests a favorable reconsideration of the Office Action of May 26, 2006 and an early Notice of Allowance.

Respectfully submitted,



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